

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CATHERINE FOY and THOMAS FOY,
Wife and Husband,
15042 Liberty Lane
Philadelphia, PA 19116,**

Plaintiffs,

v.

**ABP Corporation,
a Delaware Corporation,
19 Fid Kennedy Avenue
Boston, MA 02210,**

Defendant.

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Civil Action No.: 02-CV-

NOTICE OF REMOVAL

Defendant, ABP Corporation, by and through its counsel, and in support of its Notice of Removal to this Honorable Court, does aver as follows:

1. Defendant, ABP Corporation (hereinafter, "ABP"), is a Delaware corporation which maintains its principal place of business at 19 Fid Kennedy Avenue, Boston, MA 02210. See, Certificate of Incorporation, a true copy of which is attached hereto as Exhibit "A".

2. ABP herewith exercises its rights pursuant to 28 U.S.C. § 1441, *et seq.*, to remove this action from the Philadelphia County Court of Common Pleas, in which this litigation is pending under the caption, *Catherine Foy and Thomas Foy, Wife and Husband v. ABP Corporation*, and docketed at June Term, 2002, No. 001281. See, Complaint and Stipulation to

Correct Caption, true and correct copies of which are attached hereto as Exhibits “B” and “C”, respectively.

3. There exists complete diversity of citizenship between plaintiffs and defendant:

- a) Plaintiff, Catherine Foy is an individual, and a resident and citizen of Pennsylvania (Complaint, Exhibit “B”, paragraph 1);
- b) Plaintiff, Thomas Foy is an individual, and a resident and citizen of Pennsylvania (Complaint, Exhibit “B”, paragraph 1);
- c) Defendant, ABP, is a Delaware corporation which maintains its principal place of business in Boston, Massachusetts (Exhibit “A”).

4. Pursuant to 28 U.S.C. § 1441 *et seq.*, ABP is entitled as a matter of law to remove this case from the Philadelphia County, Pennsylvania Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania, in which district the cause of action arose, plaintiffs reside and where the litigation is pending. (Complaint, Exhibit “B”, paragraph 5).

5. In the Complaint, the plaintiffs each seek to recover damages in excess of \$50,000 (which is the sole reference to monetary damages allowed in Pennsylvania) for the personal injuries allegedly sustained by plaintiff-wife as the result of a slip and fall accident which is alleged to have occurred on January 22, 2001, and plaintiff-husband’s derivative claim. (Complaint, Exhibit “B”, paragraphs 5 - 19).

6. In this controversy between diverse parties, the amount in controversy is pleaded to exceed the sum of \$75,000.00, exclusive of interest and costs. Therefore, there is original jurisdiction in this honorable court as provided by 28 U.S.C. §1332 (a)(1).

7. In accord with the requirements of 28 U.S.C. § 1446, this notice of removal is being timely filed as the Complaint was filed in the Court of Common Pleas on June 11, 2002. and served upon the original improper party defendant, Au Bon Pain Co., Inc., a Delaware Corporation which withdrew from doing business in Pennsylvania on January 22, 1986, by hand delivery to Au Bon Pain Co., Inc.'s former agent, CT Corporation System on June 14, 2002. On July 1, 2002, counsel for Au Bon Pain Co, Inc. forwarded the Complaint to ABP Corporation by facsimile. See, correspondence, July 1, 2002, by Au Bon Pain Co., Inc.'s counsel directed to defendant, ABP Corporation, Exhibit "D" hereto; CT Corporation System Service of Process Transmittal Form, Exhibit "E" hereto, and Pennsylvania Department of State Basic Entity Information for Withdrawn Foreign Business, Au Bon Pain Co., Inc., Exhibit "F" hereto.

8. On July 10, 2002, the undersigned counsel for ABP Corporation agreed to accept service of the Complaint on behalf of the proper party defendant. See, correspondence, July 10, 2002, a true copy of which is attached hereto as Exhibit "G".

9. A true copy of this Notice is being filed with the Prothonotary of the Philadelphia County Court of Common Pleas.

WHEREFORE, defendant, ABP Corporation, prays that this action be removed to the United States District Court for the Eastern District of Pennsylvania, and that this Honorable Court accept jurisdiction of this action for further proceedings, the same as though this action had originally been instituted in this Court.

Respectfully submitted,

HARVEY, PENNINGTON, CABOT,

GRIFFITH & RENNEISEN, LTD.

By: _____

Melissa Lang
Attorney I.D. No. 48482
1835 Market Street, 29th Floor
Philadelphia, PA 19103
(215) 575-4168
Counsel for defendant,
ABP Corporation

DATED: July 16, 2002

EXHIBIT "A"

State of Delaware
Office of the Secretary of State

PAGE 1

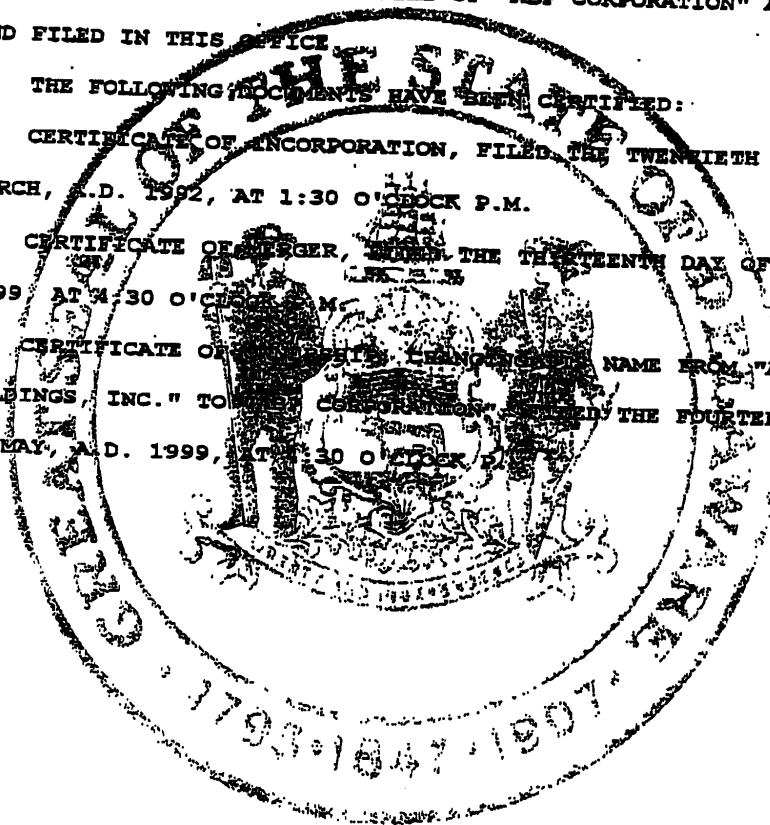
I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "ABP CORPORATION" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF INCORPORATION, FILED THE TWENTIETH DAY OF MARCH, A.D. 1992, AT 1:30 O'CLOCK P.M.

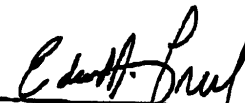
CERTIFICATE OF AMENDMENT, FILED THE THIRTEENTH DAY OF MAY, A.D. 1999, AT 4:30 O'CLOCK P.M.

CERTIFICATE OF AMENDMENT, FILED THE FOURTEENTH DAY OF MAY, A.D. 1999, AT 4:30 O'CLOCK P.M.



2291832 8100H

991504660


Edward J. Freel, Secretary of State

AUTHENTICATION:

0103127

DATE:

11-24-99

EXHIBIT "B"

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ALLEN ROTHENBERG LAW FIRM 2157327940

P. 2


001281

JUNE 2002

Court of Common Pleas of Philadelphia County

Trial Division

Civil Cover Sheet

PLAINTIFF'S NAME CATHERINE FOY		DEFENDANT'S NAME AD BON PAIN CO., INC.	
PLAINTIFF'S ADDRESS 15042 Liberty Lane Philadelphia, PA 19116		DEFENDANT'S ADDRESS c/o C.T. Corporation System, Inc. 1515 Market Street, Ste. 1210 Philadelphia, PA 19102	
PLAINTIFF'S NAME THOMAS FOY		DEFENDANT'S NAME Philadelphia, PA 19102	
PLAINTIFF'S ADDRESS 15042 Liberty Lane Philadelphia, PA 19116		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NO. OF DEFENDANTS 1	Method of filing <input checked="" type="checkbox"/> Original <input type="checkbox"/> Public Access <input type="checkbox"/> Mail, if used <input type="checkbox"/> File of Record <input type="checkbox"/> Transfer from other jurisdiction	
Amount in controversy <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	County jurisdiction <input type="checkbox"/> Appellate <input type="checkbox"/> Jury <input type="checkbox"/> Habeas <input type="checkbox"/> Other ?	<input type="checkbox"/> Motion <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Other ? <input type="checkbox"/> Motion <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Other ?	<input type="checkbox"/> Summary Judgment <input type="checkbox"/> Other ? <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Other ?
CASE TYPE AND CODE (SEE INSTRUCTIONS)			
Negligence - 25 - Premises Liability			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
N/A RELATED PENDING CASES LIST BY CASE CAPTION AND COURT NUMBER None			
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.		ALLEN L. ROTHENBERG 18th FLOOR 1518 WALNUT STREET PHILA, PA 19102	
NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY NRIL M. SHUKOVSKY, ESQUIRE PHONE NUMBER (215) 732-1700 FAX NUMBER (215) 732-7948 BAR/STATE COURT IDENTIFICATION NO. 22817		SIGNATURE 	
		6/7/02	

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P. 3

ALLEN L. ROTHENBERG
BY: NEIL M. SHUKOVSKY, ESQUIRE
Identification No: 22017
ROTHENBERG TOWER
Eighteenth Floor
1518 Walnut Street
Philadelphia, Pa. 19102
(215) 732-1700

MAJOR JURY TRIAL DEMANDDED.
ASSESSMENT OF DAMAGES HEARTING
IS REQUIRED.

Attorney for Plaintiff(s)

CATHERINE FOY and
THOMAS FOY, w/h
15042 Liberty Lane
Philadelphia, PA 19116

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

vs.

ATTEST

JUNE 2002

JUN 11 2002

001281

AD BON PAIN CO., INC.
c/o C.T. Corporation System, Inc. PAONE
1515 Market Street, Ste. 1210 PRO. PROTHY
Philadelphia, PA 19102

CIVIL ACTION COMPLAINT
NEGLIGENCE

28 - PREMISES LIABILITY - SLIP & FALL

NOTICE

You have been sued in court. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-338-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted debe tomar acción (20) días de plazo al partir de la fecha de la recepción de este aviso. Haga falta presentar una comparecencia escrita o por persona o con un abogado y entregar a la corte un escrito dentro de los días que a usted le corresponde a las demandas en contra de su persona. Si usted no lo hace, la corte tomará medidas para que se le presente la demanda en contra suya sin previo aviso o noticia de ella. En tal caso, la corte puede decretar a favor del demandante y requerir que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o bienes o derechos u otros derechos importantes si no lo hace. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO PARA PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA LEJOS DE SU CASA PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELPHIA
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-338-6333

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P. 4

CIVIL ACTION COMPLAINT

General Averments

1. At all times material hereto, plaintiffs, Catherine Foy and Thomas Foy, were wife and husband, residing at 15042 Liberty Lane, Philadelphia, Pennsylvania.

2. At all such times, the defendant, Au Bon Pain Co., Inc., was a corporation organized under the laws of the Commonwealth of Pennsylvania, regularly conducted business in the City and County of Philadelphia and was d/b/a and/or t/a AU BON PAIN. The agent authorized to accept service of process is C.T. Corporation System, Inc., 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania.

3. At all such times, defendant, Au Bon Pain Co., Inc., was engaged in the restaurant/food service (hereinafter referred to as "restaurant") business and owned, operated, managed, maintained and controlled a restaurant facility under the name of "AU BON PAIN", located inside the 30th Street Station, Philadelphia, Pennsylvania.

4. On or about January 22, 2001, and for a long period of time prior thereto, there existed a dangerous and defective condition inside the "AU BON PAIN" restaurant facility located inside the 30th Street Station, Philadelphia, Pennsylvania, in the form of a liquid substance on the floor contiguous to one of the restaurant's trash receptacles with no warning signs or barricades and/or rugs or mats situated thereat.

5. On or about January 22, 2001, at or about 8:45 a.m., plaintiff, Catherine Foy, was a business invitee having finished eating in the defendant's "AU BON PAIN" restaurant located inside the 30th Street Station, Philadelphia, Pennsylvania, and was caused

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P. 5

to fall as a result of the dangerous and defective condition which existed thereat when she walked to the said trash receptacle in an attempt to place trash therein.

6. As a result of the negligence and recklessness of the defendant, plaintiff, Catherine Foy, suffered serious and painful injuries as hereinafter described.

7. The negligence and recklessness of the defendant through its agents, servants, workmen and/or employees, consisted of the following:

(a) Permitting or allowing a dangerous and defective condition to exist upon the floor of the premises owned and/or supervised by them after they knew or should have known of said conditions;

(b) Failing to give plaintiff proper and due notice of the dangerous and defective condition existing in their premises;

(c) Failing to place warning signs, barricades, rugs or mats at the point of accident to prevent the occurrence heretofore recited;

(d) Failing to give plaintiff proper and adequate protection to which she was entitled as a business invitee;

(e) Failing to promptly and properly clean, clear and maintain the floor of the said premises;

(f) Permitting a nuisance and trap to exist in the said premises;

(g) Failing to inspect and/or negligently inspect the said premises;

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P. 08

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P. 6

(h) Otherwise failing to use due care and caution under the circumstances;

(i) Negligence as a matter of law; and,

(j) Negligence in other respects which may well be pointed out during discovery or at the time of trial.

8. Plaintiff, Catherine Foy, was injured as a direct and proximate result of the aforementioned dangerous condition which existed upon the floor of the said premises which is owned and/or under the supervision, control and maintenance of the defendant.

9. Plaintiff, Catherine Foy, believes and therefore avers, that the defendant had actual and/or constructive notice of the said dangerous condition prior to the aforesaid date when plaintiff, Catherine Foy, was seriously injured and had such notice at a sufficient time prior thereto to have taken measures to correct the condition.

FIRST COUNT

Catherine Foy vs. All-Red Pain Co., Inc.

10. Plaintiff, Catherine Foy, hereby incorporates by reference paragraphs 1 through 9 as though more fully set forth herein.

11. As a result of the aforesaid negligence, plaintiff, Catherine Foy, sustained serious and painful injuries, including, but not limited to, contusion and fractures of the right foot involving the base of the 2nd and 3rd metatarsals and/or 2nd and 3rd cuneiforms and/or 1st cuneiform and/or 1st metatarsal base,

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P. 10

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ALLEN ROTHENBERG LAW FIRM 2157327940

P. 7

hematoma within the superior aspect and posterior aspect of the biceps femoris muscle of the right thigh, acute sciatica/hamstring pull and spasm, ecchymosis right leg/thigh, disc dysfunction at L4-5 effacing the thecal sac with L4-5 lateral recess and foraminal stenosis, L4-5 radiculopathy, bilateral carpal tunnel syndrome, and cervical, left trapezius, lumbosacral and right thigh sprains, as well as a severe shock to her nerves and nervous system and was otherwise bruised, lamed and disordered, some or all of which may be permanent in nature.

12. Plaintiff, Catherine Foy, avers that she may have sustained other injuries and aggravated pre-existing conditions.

13. As a result of the aforesaid accident, plaintiff, Catherine Foy, has suffered great physical pain and mental anguish, all of which may continue in the future.

14. As a result of the aforesaid, plaintiff, Catherine Foy, has been and may in the future be required to spend considerable sums of money for medical treatment in an effort to treat and cure herself of the injuries sustained as aforesaid, any and all of which may continue to her great financial loss and detriment.

15. Further plaintiff, Catherine Foy, has been and may in the future be unable to work due to her injuries, with consequent loss of earnings and impairment of her earning capacity.

16. Further, plaintiff, Catherine Foy, as a result of this accident, has suffered a loss of the enjoyment of her usual duties, life's pleasures and activities and a shortening of her life expectancy to her great detriment and loss.

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P. 09

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P. 0

17. Plaintiff, Catherine Foy, in no manner contributed to her injuries which resulted from the direct negligence of the defendant by its agents, servants, workmen and/or employees.

WHEREFORE, plaintiff, Catherine Foy, demands judgment against the defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

SECOND COUNT

Thomas Foy vs. Au Bon Pain Co., Inc.

18. Plaintiff, Thomas Foy, hereby incorporates by reference paragraphs 1 through 17 as though more fully set forth herein.

19. Plaintiff, Thomas Foy, as a result of the aforesaid negligence, has and may in the future be deprived of his wife's services, companionship and society and hereby claims loss of consortium to his great detriment and loss.

WHEREFORE, plaintiff, Thomas Foy, demands judgment against the defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

Respectfully submitted,

ALLEN L. ROTHENBERG

BY:

NEIL M. SHUKOVSKY, ESQUIRE
Attorney for Plaintiff(s)

DATED:

07/02/2002 13:07 FAX

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P. 11


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P. 9

VERIFICATION

CATHERINE FOY, hereby states that she is the plaintiff in this action and verifies that the statements made in the foregoing Pleading are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of Pa. C.S. 54904 relating to unsworn falsification to authorities.


CATHERINE FOY

DATED: 5-9-02

EXHIBIT "C"

**HARVEY, PENNINGTON, CABOT,
GRIFFITH & RENNEISEN, LTD.**

By: Melissa Lang
Attorney I.D. Nos.: 48482
Eleven Penn Center, 29th Floor
1835 Market Street
Philadelphia, PA 19103
(215) 575-4168

Counsel for Defendant, Au Bon
Pain Co., Inc. and ABP Corporation

**CATHERINE FOY and THOMAS
FOY, Wife and Husband,**
Plaintiffs,

v.

AU BON PAIN CO., INC.,
Defendant.

Philadelphia County Court of
Common Pleas Trial Division

June Term, 2002 No. 001281

STIPULATION

It is hereby stipulated and agreed by and between counsel for the parties that

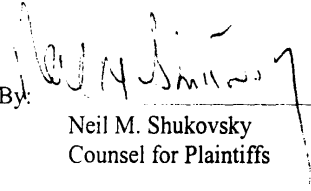
(1) ABP Corporation, a foreign business authorized to do business in Pennsylvania, is substituted as the party defendant to this action in lieu of Au Bon Pain Co., Inc. a withdrawn foreign business which no longer conducts business in Pennsylvania, *nunc pro tunc*;

(2) plaintiff s' cause of action against defendant, Au Bon Pain Co., Inc., is hereby DISCONTINUED with prejudice pursuant to Pennsylvania Rule of Civil Procedure 229;

(3) plaintiff's cause of action shall continue as against ABP Corporation as the proper party defendant; and

(4) and the caption is amended to CATHERINE FOY AND THOMAS FOY, Wife and Husband v. ABP Corporation, June Term, 2002 No. 001281.

ALLEN L. ROTHENBERG

By: 
Neil M. Shukovsky
Counsel for Plaintiffs

**HARVEY, PENNINGTON, CABOT
GRIFFITH & RENNEISEN, LTD.**

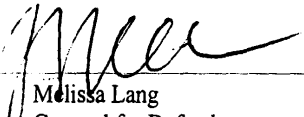
By: 
Melissa Lang
Counsel for Defendant

EXHIBIT "D"

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P. 02

DORNBUSH MENSCH MANDELSTAM & SCHAEFFER, LLP

747 THIRD AVENUE
NEW YORK, N. Y. 10017
(212) 759-3300

BRIAN RAFFERTY

FACSIMILE (FAX) 53 7672
CABLE, BUR (BUREAU) NEW YORK
NY NY 10017

replied
DOMMSLAW.COM

July 1, 2002

VIA FACSIMILE - (617) 423-7879

Mr. Tim Oliveri
ABP Corp.
19 Fid Kennedy Avenue
Boston, Massachusetts 02210-2497

Re: Complaint—Catherine Foy et al. v. Au Bon Pain Co. Inc.
Common Pleas Court, Philadelphia County Pennsylvania

Dear Mr. Oliveri:

As you may be aware, ABP was recently named as a defendant in the above-captioned matter venued in Philadelphia, Pennsylvania. Apparently, the plaintiff served a copy of the complaint on CT System, the agent authorized to accept service of process on behalf of ABP in Pennsylvania.

Today, I contacted the attorney representing the Plaintiff in this matter. The attorney, Mr. Neil Shukovsky, Esq., informed me that this matter involved a woman who slipped and fell inside an ABP located at 30th Street Station, Philadelphia, Pennsylvania. Mr. Shukovsky went on to note that because an Answer to the Complaint is due this week, he consented to an extension of time to file an Answer for three weeks from today's date.

Enclosed is a copy of the service of process transmittal form, along with a copy of the Complaint. Because this matter is likely covered by ABP's General Liability insurance policy, I strongly recommend that you contact your carrier and notify the carrier of this complaint. Further, you should forward a copy of the complaint to the carrier, and inform the carrier that you obtained an extension of time to file an answer through Monday, July 22, 2002.

Should you have any questions or concerns about this matter, please do not hesitate to contact the undersigned.

Very truly yours

Brian Rafferty
Brian Rafferty

D-1465.1

EXHIBIT "E"

07/02/2002 10:00 FAX

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06/25/02 TUE 13:48 FAX 617 345 7050

FAX NO. 215 753 7980

GADSBY HANNAH

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CT System

Service of Process Transmittal Form
Philadelphia, Pennsylvania

06/14/2002

Via Federal Express (2nd Day)

TO: AU BON PAIN CO INC
ATT RONALD SHACH
19 FID KENNEDY AVE
BOSTON, MA 02210-2497

RE: PROCESS SERVED IN PENNSYLVANIA

FOR Au Bon Pain Co., Inc. Domestic State: Ma

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION:	Catherine Moy et al vs AU Bon Pain Co Inc
2. DOCUMENTS SERVED:	Notice, Complaint, Verification, Jury Demand.
3. COURT:	Common Pleas Court, Phila Co PA Case Number 001281
4. NATURE OF ACTION:	Alleged premises liability,
5. ON WHOM PROCESS WAS SERVED:	CT Corporation System, Philadelphia, Pennsylvania
6. DATE AND HOUR OF SERVICE:	By Process server on 06/14/2002 at 13:40
7. APPEARANCE OR ANSWER DUE:	Within 20 Days
8. ATTORNEY:	215 752 1700 Nelli M Shukovskiy 1516 Walnut St Phila, PA 19102
9. REMARKS:	According to the records of our office our services have been discontinued in this state per The Secretary of State of Pennsylvania CT is still listed as the Registered Office Address.

CC: Walter D Wekstein
Gadsby Hannah LLP
225 Franklin Street
22nd Floor
Boston, MA 02110-2811

WOMEN CT Corporation System
PSE Sandra C. Glickson
ADDRESS 1515 Market Street
Suite 1210
Philadelphia, PA 19103
CCSQ# W03 0004574422

Information contained on this transmittal form is recorded for CT Corporation System's record keeping purposes only and permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the service of process, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.

EXHIBIT "F"

Pennsylvania Department of State - Corporations

Page 1 of 1

Corporations
Home Page

DOS Home Page

Corporations

Department of State



[Return to Searchable Database Main Menu](#)

(Use Last Name, First Name for business names which consist of a person's first and last name (i.e., Smith, John Inc.))

Basic Entity Information ⓘ WITHDRAWN FOREIGN BUSINESS

ENTITY NO:	903502	TYPE:	WITHDRAWN FOREIGN BUSINESS	CONSE
FILED DATE:	1-22-1986			
CURRENT NAME:	AU BON PAIN CO., INC.			
ADDRESS:	123 SOUTH BROAD STREET, C/O C T CORPORAT ION SYSTEM			
CITY:	PHILADELPHIA	STATE:	PA	ZIP:
COUNTY:	Philadelphia			
LTD AUTH:	N			

[Instrument History |](#)

Pennsylvania Department of State
206 North Office Building, Harrisburg, PA 17120
Phone - (717) 787-1057

EXHIBIT "G"

ALLEN L. ROTHENBERG
BARBARA ROTHENBERG
WILLIAM R. SOLVIBILE
JOSEPH C. MURRAY
NEIL M. SHUKOVSKY
LORI E. ZEID
JEFFREY C. SCHWARTZ
STACY MELTZER KENDALL
BETH ROTHENBERG-HALPERIN

ALSO MEMBER NY AND D.C. BAR
ALSO MEMBER NJ AND NY BAR
ALSO MEMBER NJ BAR
ALSO MEMBER NY BAR

THE LAW FIRM OF
ALLEN L. ROTHENBERG
ROTHENBERG TOWER
1518 WALNUT STREET
EIGHTEENTH FLOOR
PHILADELPHIA, PENNSYLVANIA 19102
TELEPHONE (215) 732-1700
FAX (215) 732-2758
FEDERAL I.D. #23-1646941

NEW YORK OFFICE
450 SEVENTH AVENUE
NEW YORK, NEW YORK 10123
(212) 563-0100

WASHINGTON D.C. OFFICE
200 G STREET N.E.
WASHINGTON, D.C. 20002
(202) 986-4000

JOSEPH S. GROSSMAN
OF COUNSEL

July 10, 2002

Melissa Lang, Esquire
Harvey, Pennington, Cabot,
Griffith & Renneisen, Ltd.
Eleven Penn Center, 29th Floor
1835 Market Street
Philadelphia, PA 19103

Re: Catherine Foy, et al. vs. Au Bon Pain Co., Inc.

Dear Melissa:

I appreciated our telephone conversation of July 10, 2002 as well as your courteous and informative letter of July 8, 2002 concerning the above-captioned case. The following is what I have taken away from our conversation and your letter.

The correct owner of the Au Bon Pain Cafe where my client's accident occurred as of the date of that accident (January 22, 2001) was and continues to be ABP Corporation. You have advised that Au Bon Pain Company, Inc. was an incorrectly named owner as of the date of this accident. You have forwarded to me a Stipulation naming the correct owner of this specific cafe and I will, of course, rely upon your knowledge of your client's ownership as well as your professionalism in providing this information to me.

Please find my signature upon the Stipulation. Please forward to me a time-stamped copy after you have filed same.

It is also my understanding that you will be accepting service on behalf of your client. I look forward to receiving your client's Answer to the Complaint.

You indicated to me that you would not be filing Preliminary Objections.

Enclosed please find Interrogatories addressed to ABP Corporation which I ask them to respond to within the statutory period. Also enclosed please find Request for Production of Documents to be responded to within a similar manner.

Very truly yours,

ALLEN L. ROTHENBERG


NEIL M. SHUKOVSKY

NMS:tc